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# SUPREME COURT OF THE UNITED STATES.

## No. 142.

THE UNITED STATES, APPELLANTS,

vs.

NATHANIEL BASSETT.

APPEAL FROM THE DISTRICT COURT U. S. FOR THE NORTHERN DISTRICT OF CALIFORNIA.

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GIDEON, Print.

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*Transcript of the Proceedings in Case No.* 658—*Nathaniel Bassett, Claimant*, vs. *The United States, Defendant—for the place named "Las Coluses."*

OFFICE OF THE BOARD OF COMMISSIONERS
*To ascertain and settle the private land claims in the State of Cal'a.*

Be it remembered, that on this twenty-eighth day of February, anno Domini one thousand eight hundred and fifty-three, before the commissioners to ascertain and settle the private land claims in the State of California, sitting as a board, in the city of San Francisco, in the State aforesaid, in the United States of America, the following proceedings were had, to wit:

The petition of Nathaniel Bassett for the place named "Las Coluses," was presented and ordered to be filed and docketed with No. 658, and is as follows, to wit:

(Vide page 3 of this Transcript.)

Upon which petition the following subsequent proceedings were had in their chronological order, to wit:

SAN FRANCISCO, *March 10th*, 1853.

In case No. 658, Nathaniel Bassett, for the place named "Las Colusas," the deposition of John Bidwell, a witness in behalf of the claimant, taken before Commissioner Hiland Hall, with document marked H. H. No. 1 annexed thereto, was filed.

(Vide page 4 of this Transcript.)

SAN FRANCISCO, *January* 2, 1855.

Case No. 658 was ordered to be placed at the foot of the 4th class cases on the trial docket.

SAN FRANCISCO, *February* 19, 1855.

In the same case the deposition of John Sanders, a witness in behalf of the claimant, taken before Commissioner Peter Lott, was filed.

(Vide page 6 of this Transcript.)

SAN FRANCISCO, *March 7th*, 1855.

Case No. 658 was submitted without argument, and taken under advisement by the board.

SAN FRANCISCO, *March 20th*, 1855.

In the same case Commissioner Alpheus Felch delivered the opinion of the board, confirming the claim.

(Vide page 23 of this Transcript.)

And the following order was made, to wit:

(Vide page 26 of this Transcript.)

*Petition.*

To the honorable the Board of U. S. Land Commissioners, appointed to settle private land claims in California.

The petition of Nathaniel Bassett respectfully represents, that on or about the 17th day of July, 1844, John Danbenbis petitioned the then governor of California, Micheltorena, to grant him a tract of land in the Sacramento valley, known by the name of "Las Colusas." It consists of four square leagues (sitios de ganado mayor) or ranges of cattle.

It is bounded at the north by the "Llano Seco" farm, at the east by unoccupied land, at the south by unoccupied land, and at the west by the Sacramento river, as shown by the design which accompanies the papers relating to said grant of land, and to which your petitioner refers for a more particular description of said lands. That John A. Sutter, the then judge, charged with the jurisdiction of Sacramento, gave a favorable report upon said petition, and said governor thereupon endorsed his decree, granting the said lands provisionally.

And your petitioner further states, that on or about the 22d July, 1844, said Governor Micheltorena executed and assigned a grant to all the persons who have solicited lands in the Sacramento valley, describing them in their petitions and maps, and who received the favorable information of said Sutter, a certified copy of which was duly given to said Danbenbris for his protection and security.

That copies of all said papers and maps are herewith filed as part of this petition, and the originals are ready to be produced before your honorable body.

And your petitioner further states, that said Danbenbis sold and conveyed all his right, title, and interest, in and to said lands and rancho unto E. O. Crosby, by deed, dated August 18th, 1852, a copy of which is herewith filed as part of this petition.

And your petitioner further states, that said Crosby sold and conveyed all his right, title, and interest, in and to said lands and rancho unto your petitioner, by deed, dated February 25th, 1853, a copy of which is herewith filed as part of this petition.

And your petitioner further states, that he is informed and believes said lands and rancho have been occupied and improved by the original grantee, and that he caused the same to be surveyed and its boundaries carefully and accurately defined, and there is no conflicting claims hereto known to your petitioner.

The evidence upon which your petitioner relies to support this claim

consists of original papers and maps relating to said grant of land to be produced and proved, and the testimony of witnesses to be produced before your honorable body. All of which your petitioner respectfully submits for such action as the justice and nature of the claim may require.

E. O. CROSBY, *of Counsel.*

Filed in office February 28th, 1853.

GEO. FISHER, *Sec'y.*

Recorded in vol. 2 of Petitions, on pages 28 and 29.

GEO. FISHER, *Sec'y.*

*Deposition of Jno. Bidwell.*

SAN FRANCISCO, *March* 10, 1853.

On this day, before Com'r Hiland Hall, came John Bidwell, a witness on the behalf of the claimant, Nathaniel Bassett, petition No. 658, and was duly sworn, his evidence being given in English.

The United States associate law agent was present.

In answer to inquiries made by counsel for the claimant, the witness testified as follows:

My name is John Bidwell; my age thirty three years; and I reside in Butte county, and have resided in California over eleven years. A paper is now shown me purporting a petition of Juan Dubenbiss for land and proceedings thereon, embracing an order of Micheltorena to occupy the land, dated twenty-sixth day of July, A. D. 1844. I am acquainted with the handwriting and signatures of Governor Micheltorena and Manuel Jimeno, John A. Sutter and Juan Banbinbis; I believe their signatures on said paper to be genuine; said paper is hereto attached and marked H. H. No. 1. I drew the map, which forms a part of said papers, and presented the petitions with the map to Governor Micheltorena for the petitioner. After the last endorsement by Micheltorena was made upon it, dated July 26th, 1844, the papers were returned to me, and afterwards delivered by me to Danbenbis. I was a clerk of Captain John A. Sutter in 1846, and the copy of the general title attached to said paper was made under my direction, by Mr. Locker, at that time. The copy was delivered to Danbenbis at the time the certificate on it of John A. Sutter bears date. I was at the time preparing to go to Los Angeles, with these and other title papers, to obtain more formal papers. Danbenbis was one of the soldiers in service under Micheltorena in 1845. I made a survey of the land described in the papers in December, 1847, for said Dubenbis.

JOHN BIDWELL.

Sworn and subscribed to before me.

HILAND HALL, *Commissioner.*

Filed in office March 10th, 1853.

GEO. FISHER, *Sec'y.*

Recorded in Ev. B., vol. 2, p. 643.

GEO. FISHER, *Sec'y.*

*Deposition of John Saunders.*

UNITED STATES OF AMERICA,
*State of California, ss.*

SAN FRANCISCO, *Feb'y 16th*, 1855.

This day came before honorable Peter Lott, commissioner for taking testimony to be used before the board of United States land commissioners in said State, John Saunders, a witness on behalf of the claimant, Nathaniel Bassett, in case No. 658 on the docket of said board, and said witness being sworn, deposes as follows:

The U. S. associate law agent is present.

*Questions by Mr. Crosby for Claimant.*

1st question. What is your name, age, and place of residence?

Answer. My name is John Saunders; my age 36 years; my residence in *Butty* county, California.

2d question. Do you know the rancho Las Coluses, or Danbenbis ranch? If yea, where is it, and state all you know of its occupation.

Answer. I know said rancho very well; it is situated on the east bank of the Sacramento river, in Butte county; it is four and a half leagues below the mouth of the Chico, and extends two leagues along the river. I knew of this land being occupied along in the spring of 1844 by John Danbenbis and his partner, by the name Ames Danbenbis; built a house and corral on the land, and had about 200 head of cattle and about 50 horses and mares; and that same year he enclosed a piece of land and put in grain in a field of some five acres, more or less. After that, along in 1845, Danbenbis put a man on the place to take care of it, by the name of Charles Heath, and he continued to occupy the place for Denbenbis, and kept up the cultivation every year till some three or four years ago. I knew these things because I have seen them. I was up and down over the land when it was settled, and have hunted on it for years.

JOHN SAUNDERS.

Subscribed and sworn to before me, on this 16th day of February, A. D. 1855.

PETER LOTT, *Commissioner.*

Filed in office February 19th, 1855.

GEO. FISHER, *Sec'y.*

Recorded in Ev. B., vol. 11, p. 456.

GEO. FISHER, *Sec'y.*

*Doc. H. H. No.* 1, *ann'd to the Depo. of John Bidwell, taken before Com'r Hiland Hall.*

Manuel Micheltorena, G'ral de Brigada del Ejercito Mejicano, Ayudante G'ral de la plana mayor del mismo, Gobernador, Comandante General é Inspector del Departamento de Californias.

No pudiendo ahora por estar sumamente ocupada este supremo gobierno departamental entender uno por uno los titulos respectivo a todas

los cuidadanos que han solicitado terrenos con informes a su favor del S'or D. Augusto Sutter, capitan y juez encargado de la jurisdicion de Nueva Helvetia y Sacramento, a nombre de la nacion Mejicana, les confiero por estas letras la propriedad de ellos y sus familias de los respectivos terrenos macados en sus instencias y diseños a todos y a cada uno de ellos que hayan solicitado y obtenido informe favorable del espresado S'or Sutter, h'ta hoy dia de la f'ha sin que nadie pueda disputarles su propriedad, serviendoles una copia de este que les dara mas adelante el S'or Sutter, de titulo formal con el que se presentaran as este gobierno para estenderles el mismo titulo en la debida forma y papel sellado correspondiente y para la debida constancia en todos tiempos doy este documento q. sea reconocido y acatado por todas las autoridades civiles y militares de la nacion Mejicana, en este y en los demas departamentos autorizado debidamente con los sellos militar y de gobierno en Monterey, a veinte y dos de Diciembre, de mil ochocientos y cuarenta y cuatro.

MICHELTORENA.

Sello Cuarto, dos Reales.

Habilitado provisionalmente por la aduana maritima del puerto de Monterey, en el departamento de las Californias, para los años de mil ochocientos cuarenta y cuatro y mil ochocientos cuarenta y cinco.

PABLO DE LA GUERRA,
*Pro aus'a del Administrador*,
GUILLERMO ED'O HARTNELL.

MICHELTORENA.

Ex'mo S'or Gobernador:

Juan Danbenbiss, natural de Alemania y residente en este pais hace dos años ante V. E. con el mas profundo respeto se presenta y espone.

Que siendo naturalizado Mejicano y deseando adoptar por residencia permanente este departamento de modo que pueda dedicarse a la agricultura a V. E. humil'te suplica, tenga la bondad de concederle el terreno conocido del nombre de las colusas consta de cuatro sitios de ganado mayor y son sus linderos al N. rancho del llano Seco al E. tierra baldia, al S. tierra baldia y al P'te el rio del Sacramento, como manifiesta el diseño que debidam'te acompaña.

A. V. E. ruego se digne acceder a esta su peticion con lo que recibire merced y gracia.

Quedo de V. E. el mas atento serv'r,

JUAN DANBENBISS.

Nueva Helvetia, a 17 de Julio, de 1844.

MONTEREY, *Julio* 25, *de* 1844.

Inf'e el s'rio del despacho tomando los necesarios.

MICHELTORENA.

Ex'mo S'or Gobernador:

A muchas solicitudes de la naturaliza como la precedente se les há puesto la providencia de esperarse hasta que V. E. pueda hacer la vicita por los rios del Sacramento y San Joaquin, y como tambien no hay un diseño general de aquellos terrenos no se podran hacer tal vez conociento las concesiones que se pretenden por lo que si a V. E. lo tubiese habisen podra quedar pendiente este espediente hasta que se despochen las solicitudes a que me refirio.

Monterey.

So'r Juez de la Jurisdiccion del Sacramento.

Juan Danbenbiss, Mejicano pr. naturalizacion a V. suplico se sirva informar si el terreno que manifiesta el allyunto diseño es baldio y todo lo demas que V. crea necesario, que teniendo que pasar a la capital a llevar mi peticion a manos del E. S. gobernador para impenier de S. E. d'ho terreno y siendo preciso el informe del como juez de la jurisdiccion a que pertenece, pa. ebocar la demezo que supueran mis instancias en el transito que informe si tuviese que venir desde Monterey, hasta aqui para el q regresar a aquella capital a V. E. suplico se sirva enformar al margen de esta solicitud lo que crea de justicia dispensando el uso de papel comun pr. falta del sellado correspondiente.

Nueva Helvetia, Julio 11, de 1844.

JUAN DUBENBISS.

Jurisdiccion del Rio Sacramento.

NUEVA HELVETIA, *Julio* 11, *de* 1844.

El terreno que solicitá el interresado es baldio y no pertenece a individuo pueblo ni corporacion, y para las fines que convengan doy fee.

J. A. SUTTER.

[*For map see original, page* 8.]

Monterey, Julio 26, de 1844.

MANUEL JIMENO.

MONTEREY, *Junio* 26, *de* 1844.

Ocupelo provisionalmente hasta mi subida despachar.

MICHELT'A.

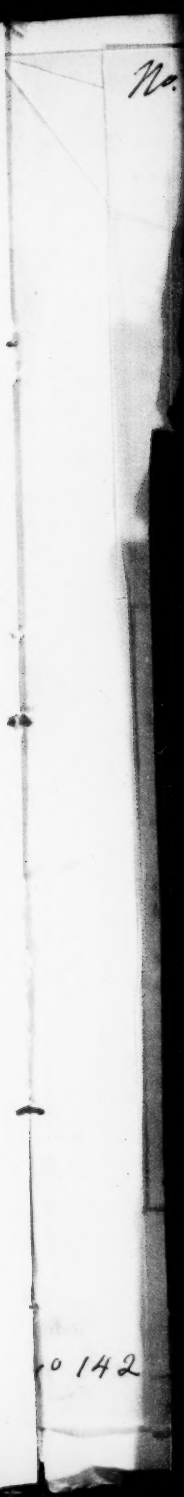
Filed in office March 18th, 1853.

GEO. FISHER, *Sec'y.*

B.—*Translation of Espediente.*

To the Judge of the District of Sacramento:

I, John Danbenbis, a naturalized Mexican, request you to be pleased to ascertain if the land set forth in the annexed design is vacant, to-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gether with other particulars you may deem necessary, because as I have to go to the capital to hand to H. E. my petition soliciting said land, and the matter must be referred to yourself as judge of the district to which it belongs.

I am desirous of avoiding the delay which my claim would receive from the transmission of the reference, *of* the same had to be sent for hither from Monterey, and returned to that capital.

Wherefore, I pray you would be pleased to state in the margin of this petition whatever you may think just; excusing its being written on common paper, there being none of the requisite stamp.

New Helvetia, July 11, 1844.

JOHN DENBENBISS.

*In the margin.*

DISTRICT OF SACRAMENTO,
NEW HELVETIA, *July* 11, 1844.

The land which the petitioner claims is vacant, and belongs to no individual, municipality, nor corporation, and for such purposes as may suit I attest the same.

JOHN A. SUTTER.

Fourth Class Stamp, two-eighths of a dollar.

I paid provisionally by the maritime custom-house of the port of Monterey, in the department of the Californias, for the years 1844 and 1845.

MICHELTORENA. PABLO DE LA GUERRA.

In the absence of the administrator,

WM. EDW. HARTNELL.

To H. E. the GOVERNOR:

John Danbenbiss, native of Germany, and having resided in this country since two years before your excellency, presents himself with the deepest respect and showeth :

That being naturalized a Mexican, and desiring to adopt this department for his permanent residence, so as to be able to apply himself to agriculture, he humbly begs your excellency to have the goodness to vouchsafe him the tract known by the name of Las Coluses. It consists of four ranges of large cattle. It is bounded at the north by the Llano Seco farm; at the east by unoccupied land; at the south by unoccupied land; and at the west by the Sacramento river, as shown by the design, which is duly annexed.

Wherefore, he solicits your excellency to vouchsafe this his petition in the exercise of your mercy and favor.

New Helvetia, July 17th, 1844.

I remain of Y. E. the most obed't serv't,

JOHN DANBENBISS.

YOUR EXCELLENCY :

Many petitions of the nature of the foregoing have been disposed of by postponing the consideration until your excellency be enabled to make a visit to the rivers Sacramento and San Joaquin, and as likewise

there is no general design of those lands, it may perhaps be impossible to make out the grants which are claimed.

Wherefore, if Y. E. deems fit this case may be kept open until the petitions I refer to may be disposed of.

Monterey, July 26th, 1844.

MANUEL JIMENO.

MONTEREY, *July 26th*, 1844.

Let the petition take provisional occupation until I go up to decide.

MICHELT'A.

Manuel Micheltorena, Brigadier General of the Mexican Army, Adjutant General of the Staff of the same, Governor General Commandant and Inspector of the Departmental of the Californias.

As this supreme departmental government cannot at present, on account of the press of business, make out one by the respective deeds of conveyance to all the citizens who have petitioned lands under favorable reports from Mr. Augustus Sutter, captain and magistrate in charge of the jurisdiction of New Helvetia, I do by these letters, in the name of the Mexican nation, convey to them and to their families the property of the respective lands set forth in their petitions and designs, to all and each of those who have solicited and obtained favorable report of the said Mr. Sutter, as a former title, with which they shall present themselves to this government for the purpose of receiving the same grant in due form and proper stamped paper.

In witness whereof, for all time to come, I grant this document, which shall be acknowledged and respected by all the civil and military authorities of the Mexican nation in this and the other departments.

Duly attested by the military and civil seals of Monterey, December 22d, 1844.

MICHELTORENA.

I certify that this is a copy.
New Helvetia, June 8th, 1846. JOHN A. SUTTER.

Filed in office February 28th, 1853.

GEO. FISHER, *Sec'y*.

[*For map see original, page* 11.]

*Deed.*

This indenture, made this 25th day of February, 1853, between E. O. Crosby, of San José, counsellor at law, of the first part, and Nathan-

iel Bassett

iel Bassett, of San Francisco, of the second part, witnesseth: That the said party of the first part, for and in consideration of the sum of five thousand dollars to him in hand paid, the receipt whereof is hereby acknowledged, hath granted and sold, and by these presents doth grant, bargain, and sell unto the said party of the second part, his heirs and assigns forever, all that certain piece or parcel of land and rancho situated in Butte county, and State of California, and bounded as follows, to wit: On the north by Kyser's rancho; on the east by vacant lands, so supposed; on the south by unoccupied lands; and west by the Sacramento river, containing four square leagues of land, (sitios de ganado mayor,) and being the same lands granted to John Danbenbiss by Governor Micheltorena, in the year 1844, reference being had to the title-papers for greater certainty of description; together with all and singular the hereditaments and appurtenances thereto belonging, or in anywise appertaining; and also the estate, right, title, and interest, claim and demand whatsoever, of the party of the first part, in and to the above described premises, and every part and parcel thereof.

In witness whereof, the party of the first part hath hereto set his hand and seal the day and year first above written.

E. O. CROSBY.

In presence of—
JOHN CRONBY.

Filed in office February 28, 1853.

GEO. FISHER, *Sec'y*.

*Deed.*

This indenture, made this 25th day of February, 1853, between Elisha O. Crosby, of San José, counsellor at law, of the first part, and Nathaniel Bassett, of San Francisco, of the second part, witnesseth: That the said party of the first part, for and in consideration of the sum of five thousand dollars to him in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, hath granted and sold, and by these presents doth grant, bargain, and sell, unto the said party of the second part, his heirs and assigns forever, all that certain piece or parcel of land and rancho situated in Butte county and State of California, and bounded as follows, to wit: On the north by Key's ranch; on the east by vacant land, (so supposed;) on the south by unoccupied lands, and west by the Sacramento river, containing four square leagues of land, (sitios de ganado mayor,) and being the same lands granted to John Danbenbiss by Governor Mitcheltorena in the year 1844, reference being had to the title-papers for greater certainty of description; together with all and singular the hereditaments and appurtenances thereto belonging, or in anywise appertaining, and also all the estate, right, title, and interest, claim and demand whatsoever, of the party of the first part, in and to the above described premises, and every part and parcel thereof.

In witness whereof, the party of the first part hath hereto set his hand and seal, the day and year above written.

E. O. CROSBY.

In presence of—
JOHN CRONLY.

Filed in office February 28th, 1853.

GEO. FISHER, *Sec'y*.

STATE OF CALIFORNIA,
*County of San Francisco, ss.*

On this twenty-fifth day of February, A. D. one thousand eight hundred and fifty-three, personally appeared before me, a notary public in and for said county, Elisha O. Crosby, known to me to be the person described in and who executed the same freely and voluntarily, and for the uses and purposes therein mentioned.

In witness whereof, I have hereunto set my hand and affixed my official seal, the day and year last above written.

WM. NEWLERD MEAKS,
*Notary Public*.

STATE OF CALIFORNIA,
*County of Butte, ss.*

I, French Paige, clerk of the county of Butte, State aforesaid, do certify that the foregoing is a true and correct copy of the instrument on record in my office, as recorder of said county.

Witness my hand and seal of the county court, fixed at Bidwell, this 21st February, 1855.

FRENCH PAIGE,
*County Clerk of Butte County*.
By R. S. HOBURT, *Deputy*.

$3 50.

Filed in office March 6th, 1855.

GEO. FISHER, *Sec'y*.

*Deed.*

This indenture, made this eighteenth day of August, A. D. 1852, between John Danbenbis, of Santa Cruz, by John Bidwell, his attorney in fact, of the first part, and Elisha O. Crosby, of the second part, witnesseth: That the said party of the first part, for and in consideration of the sum of five hundred dollars in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, hath granted, bargained, sold, and conveyed, and by these presents doth grant, bargain, sell, and convey, unto the party of the second part, and to his heirs and assigns forever, all that certain tract, piece, or parcel of land situated in Butte county and State of California, and bounded as follows, to wit: On the north by Keyser's rancho; on the east by vacant land, (so supposed;) on the south by land formerly claimed by Charles Heath, and on the west by the Sacramento river,

containing about four square leagues, and being the same lands granted to me by Gov. Micheltorena in the year 1844, reference being had to the title-papers for greater certainty of description, the said original title-papers being now given into the hands of the said party of the second part, for such uses and purposes as he may deem fit and proper; together with all and singular the hereditaments and appurtenances thereto belonging, or in anywise appertaining, and also all the estate, right, title, and interest, claim or demand whatsoever, of him, the said party of the , either in law or equity, of, in, and to the above bargained premises, and every part and parcel thereof, with the appurtenances.

In witness whereof, I have hereunto set my hand and seal, the day and year first above written.

JOHN DANBENBIS, [L. S.]
*By his Attorney in fact*,
JOHN BIDWELL.

Sealed and delivered in presence of—
JAMES THOS. BOYDS.

COUNTY OF SAN FRANCISCO, *ss.*

On this twentieth day of August, A. D. 1852, before me, a notary public for said county, duly commissioned and sworn, personally appeared the above named John Bidwell, known to me to be the same person who executed the aforegoing instrument, and to be the attorney of John Danbenbiss therein described, by power of attorney dated August 17, 1852, to be recorded to or simultaneously herewith, and he duly acknowledged to me that he executed the same freely and voluntarily, and as for the act and deed of the said John Danbenbiss, for the uses and purposes therein mentioned.

In witness whereof, I have hereto set my hand and official seal, [L. S.] at the city of San Francisco, the day and year last above written.

JAMES THOS. BOYD,
*Notary Public*.

Filed in office February 28th, 1853.

GEO. FISHER, *Sec'y*.

STATE OF CALIFORNIA, *Butte county, ss.*

I, French Paige, clerk of the county aforesaid, do certify that the foregoing is a true and correct copy of an instrument now on record in my office, as recorded of said county.

Witness my hand and seal of said county court, affixed at Bidwell, this 21st day of February, A. D. 1855.

F. PAIGE, *County Clerk*.
By R. HOBURT, *Deputy*.

Filed in office March 6th, 1855.

GEO. FISHER, *Sec'y*.

*Deed.*

Know all men by these presents, that I, John Danbenbiss, of the county of Santa Cruz, in the State of California, have made, constituted and appointed, and by these presents do make, constitute and appoint, John Bidwell, of Butte county, in the State of California, my true and lawful attorney for me, and in my name and stead to enter into and take possession of a certain tract of land situated in the county of Butte, in the State of California aforesaid, and bounded as follows, to wit: On the north by Keyser's rancho; on the east by government lands; on the south by land formerly claimed by Chas. Heath; and on the west by the Sacramento river; and containing about four square leagues, and granted to me by Governor Micheltorena in the year 1844; and to grant and bargain and sell my right, title, and interest in the same, or in or to any part or parcel thereof, for such sum or price, and on such terms as to him shall seem meet, and for me and in my name to make and execute deeds and conveyances for the same, and until the sale thereof to let and demise the same, and to ask for, demand and collect all sums of money that may be due me by means of such bargain and sale, or lease or demise, and hereby granting unto my said attorney full power and authority to do and perform all and every act whatsoever requisite and necessary in the premises, as fully to all intents and purposes as I might or could do if personally present, with full power to substitution and revocation, hereby ratifying and confirming all that my said attorney or his substitute shall lawfully do or cause to be done by virtue thereof.

In witness whereof, I have hereunto set my hand and seal the 17th day of August, A. D. 1852.

JOHN DANBENBISS. [L. S.]

In presence of—
PETER TRACY.

STATE OF CALIFORNIA,
*County of Santa Cruz, ss.*

On this 17th day of August, A. D. 1852, before me, Peter Tracy, county clerk in and for the county of Santa Cruz aforesaid, personally came John Denbenbiss, to me known to be the individual described in and executed the foregoing instrument, and who acknowledges that he executed the same freely and voluntarily, and for the uses and purposes therein mentioned.

*In* witness my hand and seal of the county court, affixed in Santa Cruz, the day and year last above written.

PETER TRACY,
*County Cl'k, Santa Cruz County, California.*

Recorded on this 23d day of August, A. D. 1852, at 9 o'clock a. m.,
By JOHN BIDWELL.

STATE OF CALIFORNIA, *County of Butte, ss.*

I, French Paige, county clerk of the county aforesaid, do certify that the foregoing is a true and correct copy of an instrument now on record in my office, as recorder of said county.

Witness my hand and seal of the said county court, affixed at Bidwell, this 21st day of February, A. D. 1855.

FRENCH PAIGE,
*County Clerk of Butte County.*
By R. HOBURT, *Deputy.*

Filed in office March 6th, 1855.

GEO. FISHER *Sec'y.*

*Opinion of Board by Com'r Felch.*

NATHANIEL BASSETT
vs.
THE UNITED STATES.

For the place called Los Coluses, in Butte county, containing four square leagues of land.

The petitioner derives his title to the land claimed from John Danbenbis, through the following conveyances: First, a deed from said Danbenbis to Elisha O. Crosby, dated August 18th, 1852; and, second, a deed from said Crosby to the said petitioner, dated February 25, 1853, which conveyances are proved by duly certified copies from the recorder's office.

The title of Denbenbis was derived from the Mexican government, under the general grant (so called) made by Governor Micheltorena, on the 22d day of December, 1844, and delivered to General Sutter, for the benefit of the persons described therein as grantees; the character and effect of which are fully considered by this commission in the case of Claude Chana, (case No. 196.) By the original papers which are given in evidence in the case, it appears that Debenbis applied to the governor for the grant, by petition dated July 17, 1844, accompanied by his application to General Sutter and the report of the latter thereon; that the land was vacant and public property; that the governor referred the petition to his secretary; that the latter recommended that the further consideration be postponed, as other similar applications had been, until the governor should make his contemplated visit into the Sacramento valley, where the land was situated. That the governor thereupon made his decree, under date of July 26, 1844, granting the petitioner the right of occupying the land provisionally until he should visit that portion of the country. A copy of the general title was delivered to said Denbenbis, certified by General Sutter, under date of June 8, 1846. This evidence is sufficient to show Danbenbis entitled to the benefit of the grant made by Micheltorena, as one of the persons described as grantees therein. The description of the premises contained in the petition to the governor, aided by the map which accompanied it, define and describe the land so as to obviate all difficulty in its location.

The occupancy of the premises in person by the grantee in 1844, and his possession and cultivation of the place from that time until some three or four years since, is proved by the witness Sanders.

The title of the claimant is thus substantiated, and a decree in his favor will be entered.

(Confirmed.)

Filed in office March 20th, 1855.

GEO. FISHER, *Sec'y*.

Recorded in Record of Decisions, vol. 2, page 564.

GEO. FISHER, *Sec'y*.

*Decree.*

NATHANIEL BASSETT }
vs.
THE UNITED STATES. }

In this case, on hearing the proofs and allegations, it is adjudged by the commissioner that the claim of the said petitioner is valid, and it is therefore decreed that the same be confirmed.

The land of which confirmation is hereby made is known by the name of Los Coluses, situated in Butte county, and is bounded as follows, to wit: On the west by the Sacramento river; on the north by a line running eastwardly from said river and nearly at right angles to the same, and which forms the southern boundary of the rancho del Llano Seco; on the south by a line parallel to said north line and at the distance of two leagues from the same, and on the east by a line parallel to said Sacramento river, and at the distance of two leagues from the same. Reference for further description thereof to be had to the grant of the same, and the map constituting a part of the espediente, on file in this case; said premises containing four square leagues of land, and no more.

ALPHEUS FELCH,
R. AUG. THOMPSON,
S. B. FARWELL.

Filed in office March 20, 1855.

GEO. FISHER, *Sec'y*.

Recorded in Record of Decisions, vol. 2, page 565.

GEO. FISHER, *Sec'y*.

It appearing to the satisfaction of the board, that the land hereby adjudicated is situated in the northern district of California, it is hereby ordered that two transcripts of the proceedings and decision in this case, and of the papers and evidence upon which the same are founded, be made out and duly certified by the secretary, one of which transcripts shall be filed with the clerk of the United States district court of the northern judicial district of California, and the other be transmitted to the Attorney General of the United States.

*Secretary's Certificate.*

OFFICE OF THE BOARD OF COMMISSIONERS
*To ascertain and settle the private land claims in the State of Cal'a.*

I, George Fisher, secretary to the board of commissioners to ascertain and settle the private land claims in the State of California, do hereby certify the foregoing twenty-six pages, numbered from one to 26, both inclusive, to contain a true, correct, and full transcript of the record of the proceedings, and of the decision of the said board, of the documentary evidence, and of the testimony of the witnesses upon which the same is founded, on file in this office, in case No. 658 on the docket of the said board, wherein Nathaniel Bassett is the claimant, against the United States, for the place known by the name of "Las Colusas."

In testimony whereof, I hereunto set my hand and affix my private seal (not having a seal of office) at San Francisco, California, this twenty-first day of August, A. D. 1855, and of the independence of the United States of America the eightieth.

[L. S.]

GEORGE FISHER, *Sec'y.*

Endorsed: Filed October 1st, 1855.

JOHN A. MONROE, *Clerk.*

*Notice of Appeal.*

OFFICE OF THE ATTORNEY GENERAL OF THE UNITED STATES,
*Washington*, 10 *October*, 1855.

658.—"Las Coluses."—Nathaniel Bassett, claimant.

You will please take notice that in the above case, decided by the commissioners to ascertain and settle private land claims in the State of California, in favor of the claimant, and a transcript of the proceedings in which was received in this office on the 15th day of September, 1855, the appeal in the district court of the United States for the northern district of California will be prosecuted by the United States.

C. CUSHING, *Attorney General.*

Endorsed: Filed Nov. 22d, 1855.

JOHN A. MONROE, *Clerk.*
By W. H. CHEVERS, *Deputy.*

*Petition.*

To the honorable District Court of the United States in and for the northern district of California.

THE UNITED STATES, Appellants,
vs.
NATHANIEL BASSETT, Appellee. } No. 286.

The petition of the United States, by their attorney, represents, that this cause is an application for a review of the decision of the board of commissioners, whereby the claim of the said appellee was confirmed,

as appears by reference to the records in the case. That a transcript of the said record was filed in this court on the 1st day of October, 1855; that a notice of appeal was filed on the 22d day of November, 1855; and that the land claimed lies in the said district; that the said claim is invalid. Wherefore appellants pray that the said decision of the board be reversed, and that this court decree the said title to be invalid.

Respectfully,

A. GLASSELL,
*Ass't U. S. Dist. Att'y.*

Endorsed: Filed March 31st, 1856.
JOHN A. MONROE, *Clerk.*

*Answer.*

United States District Court for the northern district of California.

THE UNITED STATES
vs.
NATHANIEL BASSETT. } No. 286.

The respondent, for answer to the petition filed in this case, answers and says: It is true that the land mentioned in said petition and in said transcript of the proceedings before the said board of commissioners lies within said northern district of California, and within the jurisdiction of this court.

But this respondent denies that his title to the said lands is invalid, and avers that the same is valid; and prays that the decision of the said board be affirmed, and his title be decreed to be valid.

E. O. CROSBY, *for Respondent.*

Endorsed: Filed March 31st, 1856.
JOHN A. MONROE, *Clerk.*

*Stipulation of the U. S. Dist. Att'y and Claimant's Counsel.*

United States District Court for the northern district of California.

THE UNITED STATES
vs.
NATHANIEL BASSETT. } No. 286.

It is hereby stipulated and agreed by the U. S. dist. att'y and claimant's counsel, that the original document, called the General Title, made by Micheltorena, and dated December 22d, 1844, and filed in case No. 201, Samuel J. Hensley, on the docket of the U. S. land commission, being No. 33 on the docket of this court, may be read and considered in evidence in this case, the same as if filed and taken herein.

March 24th, 1856.

A. GLASSELL,
*Ass't U. S. Dist. Att'y.*
E. O. CROSBY,
*Att'y for Claimant.*

By reference to the opinion of the board, in the above named case, as continued in the transcript, I have no doubt that a stipulation was filed in the said case, whereby the "general title," so called, was admitted in this case, as contained in case No. 201, before the board of U. S. land commissioners, and in case No. 33 in this court, S. J. Hensley, claimant; and I believe it to be the fact that such stipulation was filed.

LOUIS BLANDING.

Endorsed: Filed March 31st, 1856.

JOHN A. MONROE, *Clerk*.

*Certified copy of General Title.*

This original exhibited by Capt. Sutter and proved before me, J. W., May 13, 1852.

Manuel Micheltorena, G'ral de Brigada del Ejercito Mejicano Ayudante G'ral de la Plana Mayor del mismo, Gobernador Comand'te G'ral é Inspector del Departam'to de Californias.

[L. S.]

No pudiendo ahora por estar sumamente ocupado este gobierno supremo departamental estender uno por uno los titulos respectivos
[L. S.] a todos los cuidadanos que han solicitado terrenos con informe a su favor del S'or Dn. Augusto Sutter, capitan y juez encargado de la jurisdiccion de Nueva Elvecia y Sacramento, á nombre de la nacion Mejicano, les confiero por estas letras la propriedad pa. ellos y sus familias de los respectivos terrenos marcados en sus instancias y diseños a todas y a cada uno de los q. hallan solicitado y obtenido informe favorable del espresado S'or Sutter h'ta hoy dia de la f'ha sin que nadie pueda disputarles su propriedad sirviendoles una copia de este que les dara mas adelante el S. Sutter, de titulo formal con el q. se presentaran a este gobierno pa. estenderles el mismo titulo en la debida forma y papel sellado correspondente, y pa. la debida constancia en todos tiempos doy esto documento que sera reconocido y acotado por todas las autoridades civiles y militares de la nacion Mejicana en este y en las demas departamentos, autorizado debidamente con los sellos militar y gobierno en Monterey, a veinte y dos de Diciembre, de mil ochocientos y cuarenta y cuatro.

MAN'L MICHELT'A.

STATE OF CALIFORNIA,
*Sacramento County, ss.*

On this 28th day of June, A. D. 1850, I, Lewis A. Birdsall, hereby certify that John Bidwell, Samuel J. Hensley, George McKinstry, and Isaac T. Mott, severally came before me, and being duly sworn by me, and being all credible witnesses, depose and say on oath, that they know Micheltorena, the above named grantor, and are well acquainted

with his written signature, having seen him write, and that they verily believe that he signed the above with his own hand.

In witness whereof, I, Lewis A. Birdsall, recorder in and for the county of Sacramento and State of California aforesaid, have set my hand and seal the day and year above written.

[L. S.]

L. A. BIRDSALL,
*Recorder Sac. Co., California.*

H. E. Robinson, No. 201.

Sam'l J. Hensley.

Augas Nieves.

Filed for record June 28th, 1850, at 10 o'clock a. m., and duly recorded in book D of Deeds, page 140.

LEWIS A. BIRDSALL,
*Recorder Sac. Co., Cal.*
Pr. TH. J. ABY, *Dep'y.*

Doc. H. Hall and J. W., by Sutter and Bidwell, annexed to the depo. of the latter before Com'r Hall.

Filed in office January 28th, 1853.

GEO. FISHER, *Sec'y.*

In case No. 235, Exhibit 1 to depo. of J. A. Sutter.

P. L.

Recorded in Record of Evid., vol. 6, pages 289 and 290.

GEO. FISHER, *Sec'y.*

JOHN BIDWELL.

This paper proved by the testimony of John Bidwell before me, April 16, 1852.

H. HALL, *Com'r.*

Manuel Micheltorena, General of Brigade of the Mexican Army, Adjutant General of the Staff thereof, Governor Commandant General and Inspector of the Department of the Californias.

[SEAL.]

Not being able now, on account of being closely occupied this supreme departmental government, to issue one by one the respective titles to all the citizens who have petitioned for lands with a favorable information from Señor Don Augustus Sutter, captain and judge in charge of the jurisdiction of "New Helvetia" and Sacramento, I, in the name of the Mexican nation, by these letters, confer upon them and their families the lands described in their applications and maps, to all and each one of them who has solicited and obtained favorable information from said Señor Sutter, up to the day of this date, so that no one can dispute their title. Señor Sutter will give them a copy of this, in furtherance of a formal title, with which

[SEAL.]

they will present themselves to this government, to issue the said title in the proper form and upon corresponding sealed paper. And in testimony whereof, in all time, I give this document, which shall be recognised and respected by all the civil and military authorities of the Mexican nation, in this and the other departments, duly authenticated with the seal of the government, and the military seal in Monterey, the 22d of December, 1844.

(Signed) MAN'L MICHELT'A.

A true and correct translation. Jan'y 28, 1853.

GEO. FISHER, *Sec'y*.

*Endorsed:*

No. 201.—Sam'l J. Hensley—"Aguas Nieves."—Translation Doc. H. Hall and J. W., to the dep. of Sutter and Bidwell.

Filed in office Jan'y 28, 1853.

GEO. FISHER, *Sec'y*.

Recorded in Record of Evidence, page 741.

GEO. FISHER, *Sec'y*.

OFFICE OF THE SURVEYOR GENERAL OF THE UNITED STATES FOR CALIFORNIA.

John C. Hays, surveyor general of the United States for the State of California, and as such, having in my charge and custody the records of the late board of U. S. commissioners to ascertain and settle the private land claims in California, do hereby certify that the five preceding pages exhibit true copies of the following documents, to wit: pages 1, 2, and 3, of a document marked "Doc. H. Hall and J. W., prov. by Sutter and Bidwell, annexed to depo. of the latter before Com'r Hall;" pages 4 and 5 of a document marked "Translation Doc. H. Hall and J. W., to the deposition of Sutter and Bidwell;" both of which documents are filed in case No. 201, wherein Samuel J. Hensley is claimant against the United States.

In witness whereof, I have hereunto signed my name officially, and caused my seal of office to be affixed at the city of San [L. S.] Francisco, this second day of April, 1856.

JOHN C. HAYS,
*U. S. Sur. Gen'l Cal.*

Endorsed: Filed April 2d, 1856.

JOHN. A. MONROE, *Clerk*.
By W. H. CHEVERS, *Deputy*.

*Opinion delivered by the Honorable Ogden Hoffman.*

THE UNITED STATES
vs.
NATHANIEL BASSETT.

The original grantee in this case was one of those who petitioned Governor Micheltorena in 1844, and whose lands were granted in the

general grant dated December 22d, 1844. The validity of this grant has been already passed upon by this court in the case of the U. S. vs. Samuel J. Hensley, and as the grantee in this case is proved to *be* have been one of those whose petition was favorably reported on by General Sutter, and to whom the latter caused to be delivered a copy of the general title, his case clearly falls within the principles decided in U. S. vs. Hensley. The grantee is also shown to have occupied and cultivated his land in 1844, under the provisional order or permission granted by the governor. No objection is made to the confirmation of this claim on the part of the United States. It was unanimously confirmed by the board, and we see no reason for reversing their decision. A decree of confirmation must therefore be entered.

*Decree of Confirmation.*

UNITED STATES DISTRICT COURT,
*For the Northern District of California.*

THE UNITED STATES
vs.
NATHANIEL BASSETT. } No. 286.—Stated Term, April 17th, 1856.

This cause coming on to be heard on an appeal from the final decision of the commissioners appointed to ascertain and settle private land claims in the State of California, under an act of Congress approved March 3d, 1851, upon the transcript of the proceedings, papers, and evidence on which the said decision was founded; and it appearing that the transcript has been duly filed according to law, and counsel for respective parties having been heard; it is ordered, adjudged, and decreed, that the decision of the said commissioners be affirmed; and it is further ordered, adjudged, and decreed, that the claim of the appellee is a genuine valid claim to the land known by the name of "Las Coluses," containing four square leagues of land, situate in Butte county, and is bounded as follows, to wit: On the west by the Sacramento river; on the north by a line running eastwardly from said river, and nearly at right angles to the same, and which forms the southern boundary of the rancho del Llano Seco; on the south by a line parallel to said north line, and at a distance of two leagues from the same; and on the east by a line parallel with said Sacramento river, and at the distance of two leagues from the same; reference being had for further description thereof to the petition of John Danbenbiss to Governor Micheltorena, dated 17th July, 1844, and to map accompanying the same, both of which are contained in the espediente on file in the office of the surveyor general, and a copy of which is contained in the transcript of this cause.

OGDEN HOFFMAN, JR.,
*U. S. Dist. Judge.*

Endorsed: Filed April 17th, 1856.

JOHN A. MONROE, *Clerk.*
By W. H. CHEVERS, *Deputy.*

*Order granting Appeal.*

At a stated term of the district court of United States of America for the northern district of California, held at the court-room, in the city of San Francisco, on Wednesday, the first day of April, in the year of our Lord one thousand eight hundred and fifty-seven.

Present, the honorable Ogden Hoffman, district judge.

THE UNITED STATES
vs.
NATHANIEL BASSETT. } D. C. 286.—L. C. 658.

In this case, on application of the United States attorney made in open court, it is ordered by the court, that an appeal in behalf of the United States from the final decision of this court rendered at the present term be, and the same is hereby, granted; and that a certified transcript of the pleadings, depositions, evidence, and proceedings in the said cause be sent to the Supreme Court without delay.

Endorsed: Filed April 1st, 1857.

JOHN A. MONROE, *Clerk.*
By W. H. CHEVERS, *Deputy.*

*Clerk's Certificate.*

I, John A. Monroe, clerk of the district court of the United States for the northern district of California, do hereby certify that the annexed pages from 1 to 30, inclusive, contain a full, true, and correct transcript of the record on file from the board of land commissioners, together with the pleadings, depositions, orders, opinion, and decree filed in this office in the case entitled The United States, appellants, vs. Nathaniel Bassett, appellee.

In testimony whereof, I have hereunto set my hand and affixed the seal of the said court, this first day of August, A. D. 1857, and of our independence the eighty-second.

[L. S.]

JOHN A. MONROE, *Clerk.*
By W. H. CHEVERS, *Dep. Clerk.*

Filed 7th September, 1857.